

REMARKS

This is meant to be a complete response to the Office Action mailed January 12, 2005. In the Office Action, the Examiner objected to the disclosure and stated that paragraph [0001] should be updated. Such correction to the Specification has been made herein.

Also in the Office Action, the Examiner rejected Applicant's claims 1-13, 15-27 and 29-40 under 35 U.S.C. 102(b) as being anticipated by Sumiyoshi (US 5,394,646). Applicant respectfully traverses the rejection for the reasons stated herein below.

The claims of the subject application, as now amended, are directed to a low profile commercial greenhouse, a method of growing plants in the low profile commercial greenhouse, and a plant grown in the low profile commercial greenhouse. The low profile commercial greenhouse includes at least one housing having an upper end, a lower end and a polygonal, cylindrical, tubular or oval shape. The housing defines a plant retaining space adapted to receive growing plants, and the plant retaining space has a height sufficient to provide a predetermined amount of spatial clearance between the upper end of the housing and an upper end of plants growing therein to permit circulation of air and other fluids about at least a portion of the plants growing therein while having a *height sufficiently short that prevents a grower of plants from physically entering the plant retaining space of the housing for routine plant*

care. The low profile commercial greenhouse also includes means for moving plants disposed in the plant retaining space of the housing in relation to the housing of the low profile commercial greenhouse.

Sumiyoshi et al. is directed to a system for automatically cultivating crops in a greenhouse. The system includes two conveying structures with a structure for selectively diverting plants on the first conveying structure onto the second conveying structure in between. The Sumiyoshi et al. reference recognizes the disadvantages of the prior art greenhouses, in which the growing conditions in the prior art greenhouses are inherently different from one location to the next in such greenhouses; however, Sumiyoshi et al. address this issue by only conveying the plants grown in a greenhouse through different locations of the greenhouse, and do not recognize the effects of the large amount of excess height present in the prior art greenhouses.

While the Sumiyoshi et al. reference states that it provides “minimal space requirements” (Column 3, lines 1-2), this statement is addressing the horizontal or floor space required for the conveying structures taught therein. In particular, when describing the prior art greenhouses, Sumiyoshi et al. refers to “a substantial area of the otherwise usable greenhouse floor is dedicated solely to providing a pathway for the greenhouse operator/laborer tending to the growing seedlings” (Column 1, lines 43-46). Therefore, Sumiyoshi et al. do not take into account the effect of the excess height requirements of prior art

greenhouses. In addition, the invention taught by Sumiyoshi et al. is only directed to a cultivating system **disposed in** a greenhouse and not the greenhouse itself. Sumiyoshi et al. does not teach, disclose or suggest requirements of a greenhouse in which the system taught therein is disposed, and thus in no way addresses the height requirements of the greenhouse described therein. Therefore one of ordinary skill in the art must assume that the greenhouse utilized in the Sumiyoshi et al. reference is provided with a height typical of prior art greenhouses.

Sumiyoshi et al. does not recognize the disadvantage of the normal height requirements of typical prior art greenhouses, and therefore does not teach, disclose or even suggest reducing the height of a prior art greenhouse to provide more uniform growing conditions and reduce expenses, as taught by the present invention. Therefore, Applicant respectfully submits that Sumiyoshi et al. does not teach, disclose or even suggest providing a low profile commercial greenhouse having a plant retaining space that has a *height sufficiently short that prevents a grower of plants from physically entering the plant retaining space of the housing for routine plant care*. Thus, Applicant respectfully submits that claims 1-13, 15-27 and 29-40, as now amended, are not anticipated by Sumiyoshi et al., and respectfully requests reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection of such claims over Sumiyoshi et al.

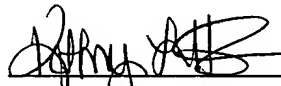
Further, Applicant respectfully submits that newly added claims 41-44 are not anticipated by Sumiyoshi et al. Claims 41-44 further include the limitation that “the height of the plant retaining space of the at least one housing is in a range of from about 2 feet to about 4 feet”. As stated herein above, Sumiyoshi et al. do not teach, disclose or even suggest reducing the height of a prior art greenhouse, and therefore do not teach, disclose or even suggest providing a height of about 2 feet to about 4 feet.

CONCLUSION

This is meant to be a complete response to the Office Action mailed January 12, 2005. Applicant respectfully submits that each and every rejection of the claims has been overcome. Further, Applicant respectfully submits that claims 1-13, 15-27 and 29-40, as well as newly added claims 41-44, are now in a condition for allowance. Favorable action is respectfully solicited.

Should the Examiner have any questions or comments concerning the before-mentioned amendments to the application or any other matter, Applicant's agent will welcome the opportunity to discuss the same with the Examiner.

Respectfully submitted,



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